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5 Counsel for Defendant CARDENAS

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 05-00718 RMW  
11 )  
11 Plaintiff, )  
12 )  
12 v. )  
13 )  
13 JUAN ANTONIO CARDENAS, )  
14 )  
14 Defendant. )  
15 \_\_\_\_\_)

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE STATUS DATE**

16 Assistant United States Attorney Carlos Singh and defendant, Juan Antonio Cardenas,  
17 through his counsel, Assistant Federal Public Defender Nicholas Humy, stipulate and agree that  
18 the status date in the above-captioned matter, presently scheduled for Monday, October 23, 2006,  
19 should be continued to December 11, 2006, at 9:00 a.m.

20 The parties stipulate and agree that the status date should be continued because counsel  
21 for Mr. Cardenas is investigating this case and needs additional time to locate witnesses and to  
22 collect pertinent records. Additionally, counsel for Mr. Cardenas has requested an evidence view  
23 that has not yet been scheduled yet because the evidence in this case is in the custody of the ATF  
24 agent who is on assignment and in training out of the district. The agent recently returned and  
25 the evidence view should be scheduled shortly. The defense has also requested additional  
26 discovery from the government, including photos from the search and audio recordings of  
interviews with government witnesses and a video of an interview with Mr. Cardenas. The

1 defense has not yet received this requested discovery; however, the parties anticipate that this  
2 discovery will be produced before the requested December 11, 2006 status hearing.

3 The parties request that status date be continued also because counsel for the government  
4 was unavailable in trial the last two weeks in October and will begin another trial on November  
5 13, 2006.

6 The parties further stipulate and agree that under 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv),  
7 the ends of justice served by the continuance requested outweigh the best interest of the  
8 defendant and public in a speedy trial because the failure to grant such a continuance would  
9 unreasonably deny Mr. Cardenas the time necessary for effective preparation, taking into account  
10 the exercise of due diligence.

11

12 | Dated: October 20, 2006

NICHOLAS P. HUMY  
Assistant Federal Public Defender

15 | Dated: October 20, 2006

/s/  
CARLOS SINGH  
Assistant United States Attorney

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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA, ) No. CR 05-00718 RMW  
11 v. Plaintiff, ) ~~PROPOSED~~ ORDER CONTINUING  
12 JUAN ANTONIO CARDENAS, ) STATUS DATE AND EXCLUDING  
13 Defendant. ) TIME  
14  
15 \_\_\_\_\_  
16

17 The parties have jointly requested to continue the status date set for October 23, 2006 to  
18 December 11, 2006 at 9:00 a.m., GOOD CAUSE APPEARING, IT IS HEREBY ORDERED  
19 that the status date presently set is continued to December 11, 2006, at 9:00 a.m. Pursuant to the  
20 parties' stipulation, IT IS FURTHER ORDERED that the period of time from October 23  
21 through and including December 11, 2006, shall be excluded from the period of time within  
22 which trial must commence under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).  
23

24 Dated: November 8, 2006  
25

26 November 8, 2006 /s/ Ronald M. Whyte

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RONALD M. WHYTE  
United States District Judge

1 Distribute to:

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